

REMARKS

The Office Action of April 16, 2009 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 38, 40-43, 45-48, and 51-58 remain in the application, where claims 48 and 51-58 are withdrawn. Reconsideration of the claims is respectfully requested.

Claims 38, 40, 42, 43, 45, and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bodager, et al. (U.S. Patent No. 5,565,301). The Examiner asserts that Bodager discloses all of the elements of independent claims 38 and 43.

Applicant respectfully disagrees with the Examiner's instant rejection and submits that Bodager does *not* disclose or suggest a ***paper*** substrate (as recited in claims 38 and 43). Bodager discloses a photosensitive element including a carrier support, a carrier surface layer, an adhesive layer, and a photosensitive layer (see column 4, lines 46-49). The carrier support is formed from a material that has sufficient stiffness and dimensional stability to support an image without shifting and misaligning (see column 4, lines 55-57). Examples of suitable materials for the carrier support are provided at column 4, lines 61-67 of Bodager, including a paper substrate ***that has been treated to be water resistant***.

At the outset, Applicant submits that a paper substrate treated to be water resistant is no longer considered a paper substrate (as recited in claims 38 and 43); but rather a *treated* paper substrate. Further, Applicant submits that a skilled artisan would know that imparting water resistance to paper chemically converts the paper into a plastic-like material. Accordingly, it is submitted that the substrate disclosed in Bodager is clearly *not* a paper substrate and, thus, does *not* read on Applicant's claims 38 and 43.

For the reasoning stated above, it is submitted that Bodager *fails* to disclose all of the elements of independent claims 38 and 43. As such, it is submitted that Applicant's invention as defined in independent claims 38 and 43, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious

by Bodager, either alone or in combination, and patentably defines over the art of record.

Claims 38, 40, 41, 43, 45, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujimura, et al. (U.S. Patent No. 5,250,990) in view of Graham, et al. (U.S. Patent No. 4,602,058). The Examiner asserts that the combination of Fujimura and Graham renders obvious independent claims 38 and 43.

In response thereto, Applicant respectfully disagrees with the Examiner. Fujimura discloses an organic photoconductive member for an **electrophotographic** printing apparatus. The photoconductive member includes a photosensitive layer having a charge transportation layer laminated to a charge generation layer, which is supported on an **electroconductive substrate**. An example of such a substrate includes paper impregnated with electroconductive particles or plastics comprising electroconductive polymers. (See column, 8, lines 3-6; column 8, lines 24-26, and the abstract of Fujimura). At the outset, Applicant submits that an electroconductive substrate is **not** the same as a paper substrate (as recited in independent claims 38 and 43). Further, as admitted by the Examiner in the instant Office Action, Fujimura does *not* disclose an underlayer coating including amine terminated polyamide (as also recited in independent claims 38 and 43).

The Examiner turns to the Graham reference to supply the foregoing deficiency of Fujimura regarding the amine terminated polyamide. Applicant submits, however, that Graham fails to supply this deficiency of Fujimura. Graham discloses a **blend or mixture** of a polyamide and a carboxyl-containing ethylene polymer (see abstract of Graham). The blend may, for example, be coated on paper (see column 11, lines 46-48 of Graham). More specifically, the polyamides (which may be amine-terminated (column 4, lines 39-40)) and ethylene copolymers contain carboxyl groups that form compatible, homogenous **blends** that are thermally stable for extended periods of time. (See column 3, lines 48-59 of Graham.) Applicant submits, however, that the underlayer coating as defined in independent claims 38 and 43 (as well as in withdrawn claim 48) contains an amine terminated polyamide; and **not** a

polyamide **blend**. Applicant has therefore amended claims 38 and 43 (as well as withdrawn claim 48) to further define the underlayer coating. Amended claims 38, 43, and 48 now recite that the underlayer coating **contains** amine terminated polyamide. Support for this amendment may be found at least at page 3, lines 25-27 of Applicant's specification as filed, which states that the underlayer coating may be ***selected from the group consisting of*** amine terminated polyamide, a silane coupling agent, ***and*** amino propyl triethoxy silane (and **not** combinations thereof). For at least this reasoning, Applicant submits that the combination of Fujimura and Graham *fails* to disclose all of the elements of independent claims 38 and 43.

Additionally, to establish a *prima facie* case of obviousness, the Examiner must show that there is some teaching, suggestion, or motivation to combine or modify the teachings of the prior art (*In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006)). To reiterate from above, Fujimura discloses a ***electrophotographic*** printing apparatus including an organic photoconductive member having a coated ***electroconductive*** substrate. Graham, on the other hand, discloses a polyamide and ethylene copolymer blend that may be coated, for example, on ***paper***. Graham does *not* disclose that the blend is or may be conductive and/or may be used as a coating layer in an organic photoconductive member. Without such conductivity, it is submitted that a polymer blend (such as the one disclosed in Graham) would not work as a suitable electron generating layer for the organic photoconductive member of Fujimura. Thus, one skilled in the art would *not* turn to the teachings of the Graham reference to supply the deficiencies of Fujimura.

For all of the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 38 and 43, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Fujimura and Graham, either alone or in combination, and patentably defines over the art of record.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession

of that rejection, issue or comment. Finally, nothing in this Amendment should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this Amendment, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 38, 40-43, 45-48, and 51-58 remain in the application, with claims 48 and 51-58 being withdrawn. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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